PTO/SB/21 (08-03) Approved for use through 08/30/2003. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE erwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/046 490 TRAD Filing Date TRANSMITTAL October 25, 2001 **FORM** First Named Inventor Josef Stefan Kohne DEC 0 2 2003 Art Unit 1661 (to be used for all correspondence after initial filing) TECH CENTER 1600/2900 **Examiner Name** Haas Attorney Docket Number BROKAW-40124 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication to Technology Center (TC) Drawing(s) Fee Transmittal Form Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC ~ (Appeal Notice, Brief, Reply Brief) Petition Amendment/Reply Petition to Convert to a Proprietary Information ~ **Provisional Application** After Final Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Terminal Disclaimer Identify below): Extension of Time Request Request for Refund **Express Abandonment Request** CD, Number of CD(s) Information Disclosure Statement

Remarks

Certified Copy of Priority

Document(s)

Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Aaron T. Borrowman Kelly Bauersfeld Lowry & Kelley LLP Individual name Signature Date 11/21/2003 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Typed or printed name Aaron T. Borrowman Date 11/21/2003 Signature This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including

gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MS-BOX AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November \$1, 2003.

November 21,2003 prrowman, Reg. No. 42,348 Date

NOV 2 5 2003

<u>PATENT</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Josef Stefan Köhne) Group Art Unit: 1661
Serial No. 10/046,490	 Examiner: Wendy Haas Docket No. BROKAW-40124
Filed: October 25, 2001	
For: AVOCADO TREE NAMED 'MERENSKY 2'	

<u>AMENDMENT</u>

MS: Amendment -No Fee Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Madame:

In response to an Office Action dated October 23, 2003, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Remarks/Arguments begin on page 15 of this paper.